

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEITH ROBERTSON,

Petitioner,

-against-

UNITED STATES FEDERAL BUREAU OF
PRISONS,

Respondent.

25-CV-2533 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is currently incarcerated at FCI Otisville and proceeding *pro se*, brings this petition for a writ of *habeas corpus* under 28 U.S.C. § 2241. Petitioner challenges the execution of his sentence, on the ground that the wrong commencement date is being used to calculate his sentence credits under the First Step Act.

Petitioner has previously submitted to this court an identical Section 2241 petition, signed on the same date, raising the same grounds for relief. That case is pending under docket number 25-CV-2481 (LTS). Because this petition is identical, it appears to have been submitted in error, and no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Accordingly, the petition is dismissed without prejudice to Petitioner's pending case under docket number 25-CV-2481 (LTS).

CONCLUSOIN

The Court dismisses Petitioner's Section 2241 petition without prejudice to Petitioner's pending case under docket number 25-CV-2481 (LTS). The Court directs the Clerk of Court not to charge Petitioner the \$5.00 filing fee for this action.¹

¹ Petitioner did not pay the filing fees for either action. Because only the petition under docket number 25-CV-2481 (LTS) will proceed, the \$5.00 filing fee should be paid, or an *in forma pauperis* application should be submitted, in that action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

Because the petition at this time makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253. The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: April 1, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge